

EXHIBIT “A”

United States District Court

SOUTHERN DISTRICT OF NEW YORK

Charles Williams

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

Palladia Inc
Corine Workman

'07 CIV 77 20

TO: (Name and address of defendant)

JUDGE MICHAEL McMAHON

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)
Pro Se Charles Williams
5 West 91 Street, #5E
New York, New York 10024

An answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

AUG 29 2007

CLERK

DATE

(BY) DEPUTY CLERK

RETURN OF SERVICEService of the Summons and Complaint was made by me¹

Date

NAME OF SERVER (PRINT)

Title

CHECK ONE BOX BELOW TO INDICATE APPROPRIATE METHOD OF SERVICE

Served personally upon the defendant. Place where served: _____



Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: _____



Returned unexecuted: _____



Other (specify) _____

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____

Date

Signature of Server _____

Address of Server _____

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Charles Williams
(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

v.

Palladia INC.
Corine Workmen

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

I, Charles Williams, (print or type your name) am the plaintiff/petitioner in the above entitled case and I hereby request to proceed *in forma pauperis* and without being required to prepay fees or costs or give security. I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor, and that I believe I am entitled to redress.

1. If you are presently employed:
a) give the name and address of your employer
b) state the amount of your earnings per month

NYC Parks dept 61 St Broadway
\$348.00 Bi Weekly \$696.00 per month

2. If you are NOT PRESENTLY EMPLOYED:
a) state the date of start and termination of your last employment
b) state your earnings per month

YOU MUST ANSWER THIS QUESTION EVEN IF YOU ARE INCARCERATED:

6/30/04 7/6/07

3. Have you received, within the past twelve months, any money from any source? If so, name the source and the amount of money you received.

Nys unemployment \$208 a week

a) Are you receiving any public benefits? ☒ No. ☐ Yes, \$ _____

b) Do you receive any income from any other source? ☐ No. ☐ Yes, \$ _____

I.F.P. GRANTED.

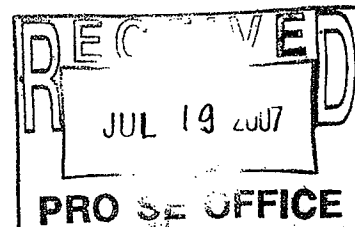
Leave to proceed in this Court
REQUEST TO PROCEED
without payment of fees is
IN FORMA PAUPERIS
authorized: 28 U.S.C. § 1915

So Ordered;
AUG 28 2007

(Date)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Walter M. Wood
Chief Judge



4. Do you have any money, including any money in a checking or savings account? If so, how much?

\$560.00

5. Do you own any apartment, house, or building, stock, bonds, notes, automobiles or other property? If the answer is yes, describe the property and state its approximate value.

☒ No. ☐ Yes, _____

6. List the person(s) that you pay money to support and the amount you pay each month.

7. Do you pay for rent or for a mortgage? If so, how much each month?

Rent \$ 876

8. State any special financial circumstances which the Court should consider.

My INcome is below the
poverty level. Because I was fired
From my Job unjustly

I understand that the Court shall dismiss this case if I give a false answer to any questions in this declaration. In addition, if I give a false answer I will be subject to the penalties for perjury.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 19 day of July, 07
date month year

Sworn & Subscribed on this 19 day of July, 2007
by Charles Williams
signature
JOHANNA CASTRO
Notary Public - State of New York
NO. 01CA6113822
Qualified in New York County
My Commission Expires 02/28
rev. 3/04
[Signature]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Charles Williams

NAME OF PLAINTIFF(S)

v.

COMPLAINT/

Palladia Inc

Corine Workman

NAME OF DEFENDANT(S)

This action is brought for discrimination in employment pursuant to (check only those that apply):

- x — Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (race, color, gender, religion, national origin).

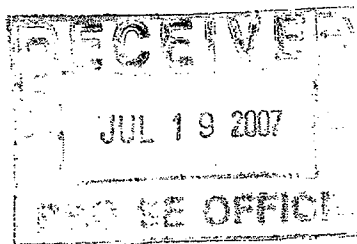
NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

- Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub. L. No. 99-592, the Civil Rights Act of 1991, Pub. L. No. 102-166).

NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.

- Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117 (amended by the Civil Rights Act of 1991, Pub. L. No. 102-166).

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.



Jurisdiction is specifically conferred upon this United States District Court by the aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991, Pub. L. No. 102-166, and any related claims under New York law.

1. Plaintiff resides at:

5 West 91 Street Apt 5E _____ / **New York**
 _____ /
Street Address *City*

New York _____ / **NY** _____ / **10024** / **212.799.7185**
County *State* *Zip Code* *Telephone*
Number

2. Defendant(s) lives at, or its business is located at:

2006 Madison Avenue _____ / **New York**
 _____ /
Street Address *City*

New York _____ / **NY** _____ / **10035** / **212.979.0100**
 _____ -
County *State* *Zip Code* *Telephone*
Number

3. The address at which I sought employment or was employed by the defendant(s) is

325 East 115th Street _____
Street Address

New York _____ / **New York** _____ / **NY** _____ / **10027.**
County *City* *State* *Zip Code*

4. The discriminatory conduct of which I complain in this action includes (check only those that apply) :

Failure to hire me.

X Termination of my employment.

Failure to promote me.

Failure to accommodate my disability.

X Unequal terms and conditions of my employment.

X Retaliation

X Other acts (specify) : **No increase in wages after 1 year.**

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

5. It is my best recollection that the alleged discriminatory

acts occurred on: **October 30, 2006.**
Date

6. I believe that defendant(s) (check one)

x is still committing these acts against me.

 is not still committing these acts against me.

7. Defendant(s) discriminated against me based on my:

(check only those that apply and explain)

[] race [X] color Complexion

[x] gender/sex M [] religion

[] national origin

[] age . My date of birth is:
Date

[] disability

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

8. The facts of my case are as follows;

I was terminated from my place of employment, Palladia Inc., on October 30, 2006. This was an unlawful and discriminating act by Palladia. This act was committed by Corine Workman, who had been harassing me because of my gender and my race. Corine coerced other female employees to lie about the incident.

It is Ms. Workman's claim that I falsified documents. This is untrue. I was in the process of trying to negotiate a raise after being employed at the company for more than 12 months. The results of this request were increase harassment and my termination based upon erroneous information.

(Attach additional sheets as necessary)

Note: As additional support for the facts of your claim, you may attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights, or the New York City Commission on Human Rights.

9. It is my best recollection that I filed a charge with the New York State Division of Human Rights or the New York City Commission on Human Rights regarding defendant's alleged discriminatory conduct on: **January 9, 2007.**

Date

10. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct on:

Date

Only litigants alleging age discrimination must answer Question #11.

11. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (*check one*),

_____ 60 days or more have elapsed.

 X less than 60 days have elapsed.

12. The Equal Employment Opportunity Commission (*check one*):

_____ has not issued a Right to Sue letter

 X has issued a Right to Sue letter,

which I received on _____.

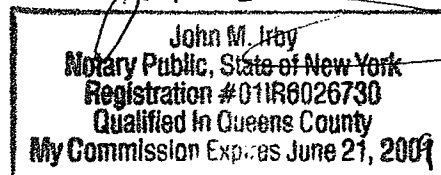
Date

NOTE: Attach a copy of the Right to Sue Letter from the Equal Employment Opportunity Commission to this complaint.

WHEREFORE, Plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, costs, and attorney's fees.

Charles William
PLAINTIFF'S SIGNATURE

Dated: 7/16/07



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Charles A. Williams**
5 West 91st Street Apt. 5 E
New York, NY 10024

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

16G-2007-01224

Holly M. Woodyard,
Investigator

(212) 336-3643

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.



While reasonable efforts were made to locate you, we were not able to do so.



You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Spencer H. Lewis Jr.,
Director

5/2/07

(Date Mailed)

Enclosures(s)

cc: **PALLADIA, INC.**
2006 Madison Avenue
New York, NY 10035
Attn: George Lino

Mark E. Spund, Esq.
Davidoff & Malito, LLP
200 Garden City Plaza Suite 315
Garden City, NY. 11530

EXHIBIT "B"

Defendants

NOTICE OF MOTION

80044037

Rules of Hon. Colleen McMahon, responsive paper must be served upon the undersigned
two (2) weeks after receipt of these moving papers.

Dated: Garden City, New York
November 8, 2007

DAVIDOFF MALITO & HUTCHER LLP

By: 

Mark E. Spund (MES 4705)

Attorneys for Defendants

200 Garden City Plaza, Suite 315

Garden City, New York 11530

(516) 248-6400

To: Charles Williams
Plaintiff pro se
5 West 91st Street, # 5E
New York, New York 10024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHARLES WILLIAMS.

Plaintiff,

-against-

PALLADIA, INC. and CORINE WORKMAN,

Defendants.

07cv 7720(CM)(RLE)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss.:
COUNTY OF NASSAU)

LAURA J. CAVALLO, being duly sworn, deposes and says:

1. I am not a party to this action, am over 18 years of age, and am employed

in Nassau County, New York.

2. On November 12, 2007, I served the within Notice of Motion and Affidavit and Defendants' Memorandum of Law upon:

Charles Williams
5 West 91st Street, # 5E
New York, New York 10024
Certified Mail # 7007 1490 0001 9739 9190

the address designated by said individual for that purpose by depositing true copies of same enclosed in a plain envelope, by both certified mail-return receipt requested and by regular mail, in an official depository under the exclusive care and custody of the United States Postal Services within New York State.

LAURA J. CAVALLO

Sworn to before me this
12th day of November, 2007

~~NOTARY PUBLIC~~

MARK E. SPUND
Notary Public, State of New York
No. 02SP4674280
Qualified in Nassau County
Commission Expires March 30, ~~2002~~
2010

EXHIBIT “C”

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 CHARLES WILLIAMS,

4 Plaintiff,

5 v.

07 CV 7720 (CM) (RLE)

6 PALLADIA INC., et al.,

7 Defendants.

8 -----x
9 January 4, 2008

10 10:45 a.m.

11 Before:

12 HON. COLLEEN MCMAHON,

13 District Judge

14 APPEARANCES

15 CHARLES WILLIAMS, Pro Se

16 DAVIDOFF MALITO & HUTCHER, LLP

17 Attorney for Defendant

18 BY: MARK E. SPUND
19
20
21
22
23
24
25

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 CHARLES WILLIAMS,

4 Plaintiff,

5 v.

07 CV 7720 (CM) (RLE)

6 PALLADIA INC., et al.,

7 Defendants.

8 -----x

9 January 4, 2008

10 10:45 a.m.

11 Before:

12 HON. COLLEEN MCMAHON,

13 District Judge

14 APPEARANCES

15 CHARLES WILLIAMS, Pro Se

16 DAVIDOFF MALITO & HUTCHER, LLP

17 Attorney for Defendant

18 BY: MARK E. SPUND

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1 THE DEPUTY CLERK: Charles Williams versus Palladia
2 Incorporated, et al.

3 THE COURT: Mr. Williams.

4 MR. WILLIAMS: Yes.

5 THE COURT: Good morning, sir. I'm Judge McMahon.
6 How are you?

7 MR. WILLIAMS: Fine.

8 THE COURT: Have a seat. And for the defendant.

9 MR. SPUND: Mark Spund, Davidoff, Malito, Hutcher,
10 LLP, both defendants.

11 THE COURT: Good morning, Mr. Spund.

12 Okay. Now, I have a motion for partial dismissal from
13 Mr. Spund. He seeks to dismiss the Title 7 discrimination
14 claims against defendant Corine Workman. And he seeks to
15 dismiss all claims except race discrimination and termination
16 on the ground that no other claims were administratively
17 exhausted.

18 MR. SPUND: Your Honor, excuse me. I'm looking to
19 dismiss everything except the gender discrimination claim.

20 THE COURT: I'm sorry. Gender, not race. I
21 apologize. -- gender discrimination and termination on the
22 ground that those claims were not administered and exhausted.
23 I don't have any responsive papers from you, Mr. Williams, on
24 this motion.

25 MR. WILLIAMS: I would request that that motion be

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1 denied.

2 THE COURT: Well, I think it's going to have to be
3 granted. Title 7 is very clear. You're not allowed to sue an
4 individual. You can only sue the company.

5 Now, you have claims in your complaint under
6 Section 296 of the Human Rights Law, I believe. Certainly
7 there were such claims in your original -- there were such
8 claims in your original charge. You filed your charge under
9 both the federal law and the state law. And under the state
10 law, certain supervisory personnel can be sued individually.
11 Under federal law, they can't. They just can't, okay? So I've
12 got no choice but to dismiss those claims against Ms. Workman.

13 If you want to try to pursue state law claims against
14 her under Section 296, subdivision 6, of the Executive Law of
15 the State of New York, which is the New York State Human Rights
16 Law, I would give you leave to amend your complaint because
17 you're a pro se plaintiff and you don't necessarily know all
18 the rules. I would give you leave to amend your complaint to
19 assert your claim of gender discrimination in termination
20 against Ms. Williams.

21 MR. WILLIAMS: Yes, I would like to do that, your
22 Honor.

23 THE COURT: Okay. Fine. I'm just going to deem that
24 done.

25 The other aspect of Mr. Spund's motion has to do with

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1 my jurisdiction to hear the case. When Congress passed this
2 law, Title 7, they decided that they wanted to set up an
3 administrative scheme for trying to resolve these issues short
4 of coming to court. So that's why you had to file that charge
5 with the EEOC, or you filed it with the State Division of Human
6 Rights, but in the State of New York that's equivalent to
7 filing it with the EEOC.

8 And what the law requires is that you let this
9 administrative agency take a look at all of your claims. And I
10 have reviewed the charge that you filed with the state division
11 of human rights. I'm actually going to read it into the
12 record. It's a verified complaint in case number 10115572,
13 Mr. Williams against Palladia, Inc.

14 And here are -- it says, I, Charles A. Williams, gives
15 his address, and all charged the above named respondent with
16 unlawful discriminatory practice relating to employment in
17 violation of Article 15 of the Executive Law of the State of
18 New York Human Rights Law because of sex. The particulars are,
19 one, I am male. Because of this I have been subjected to
20 unlawful discriminatory action.

21 Two, I commenced my employment with the respondent on
22 October 8, 2006, as a house monitor. My time and attendance,
23 work performance, were satisfactory.

24 Three, on October 31, 2006, I was advised that my
25 employment with the respondent was being terminated. The

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1 reason given by the respondent was that I had falsified time
2 sheets. This is untrue, as I have never falsified any
3 documents.

4 Four, I allege that I was wrongfully terminated from
5 my employment due to my gender, as my supervisor harbors an
6 animus against men. I know of four men who were terminated by
7 respondent within a year and three who have transferred. Both
8 myself and another housing monitor who were males were replaced
9 by females.

10 Based on the foregoing, I charge respondent with an
11 unlawful discriminatory practice relating to employment because
12 of sex in violation of the state human rights law. I also
13 charge the respondent with violating Title 7 of the Civil
14 Rights Act of 1984.

15 So, that actually is one of the better in terms of
16 clarity charges I have ever read, Mr. Williams, which is a good
17 thing and a bad thing. There's to throw no wiggle room. You
18 were very clear about what you were charging and what you
19 wanted the agency to investigate. It was that you were
20 terminated because you were a man and because you had a
21 supervisor who harbored discriminatory animus against men.

22 Now, when you filed your complaint here, you did what
23 many people who are representing themselves do. We have kind
24 of a checkoff complaint, and you checked off a lot of things in
25 that form complaint that we give to pro se's. You checked off

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1 not only gender, but you checked off race, and you checked off
2 not only termination, but terms and conditions of employment,
3 and you checked off retaliation. None of that stuff was in
4 your charge. And because the charge was so precise, none of
5 that stuff can be fairly inferred from the charge. And the
6 Court of Appeals for this circuit, in a case which I think is
7 called the Butts case, has said that unless the charge is
8 drafted in such a way as to give some sort of notice of claims
9 in addition to the principal claim that is asserted, then the
10 claim cannot be deemed administratively exhausted. And what
11 Congress has said is that I as a judge can't take jurisdiction
12 over any claim that wasn't administratively exhausted.

13 So what I have in front of me as a matter of law --
14 and my hands are kind of tied -- is your claim that you were
15 fired because you were a man.

16 It may be that some of this other information that
17 would be relevant to the claims that were not exhausted would
18 nonetheless come into evidence possibly as evidence that the
19 company was biased against men, but it can't be the basis of a
20 claim. So what I've got is a claim under Title 7 against
21 Palladia and a claim under the state human rights law against
22 Palladia and Ms. Workman for wrongful termination on the basis
23 of your gender, the fact that you were a man and that she is
24 prejudiced against men. And that's really all I've got. And
25 that's the claim that we're going to proceed to adjudicate.

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1 So the motion, the defendant's motion is granted. I
2 don't see any way that I can't grant it.

3 When were you fired, sir?

4 MR. WILLIAMS: October 30, 200- --

5 THE COURT: 2006? It's too late under the law for you
6 to go back and exhaust any of these other claims, so they're
7 time barred. And let's just go forward and let's deal with
8 what we've got, okay?

9 So, this claim, I gather, was actually the subject of
10 some administrative action. Sometimes they just look at the
11 claims and say, we'll let the Court handle that. In this one
12 they actually looked into the matter, I gather, and they found
13 no probable cause. That doesn't mean you can't pursue your
14 lawsuit. Yet Congress specifically said you could have two
15 bites of the apple, okay? So you're here and we're going to
16 adjudicate that issue.

17 What are we looking at in terms of discovery from the
18 defendant?

19 MR. SPUND: I have the statement of position with the
20 responsive documents. I have his personnel file. I have some
21 other documents in relation to his termination.

22 THE COURT: And you want to depose the plaintiff, I
23 assume?

24 MR. SPUND: Yes.

25 THE COURT: Okay. Any other witnesses that you would

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1 want to depose?

2 MR. SPUND: Probably not, unless -- I just have to
3 check. There may be a witness that's no longer employed and I
4 may have to depose as a nonparty.

5 THE COURT: And that would be who?

6 MR. SPUND: It's the -- I'm having trouble with the
7 name. I apologize. It's the woman who actually did the --
8 found out that he wasn't at his station, okay, when he was
9 supposed to be there. It's another --

10 THE COURT: Right. Her name is not in the -- SDHR --

11 MR. SPUND: No, it's referenced in the SDHR.

12 THE COURT: But her name isn't there.

13 MR. SPUND: Her name isn't there.

14 THE COURT: Do you remember the name of that person?

15 The person who accused you --

16 MR. WILLIAMS: Denowski.

17 THE COURT: Denowski, Ms. Denowski. Thank you, sir.

18 Okay. So this doesn't strike me as a heavy discovery
19 case. You're going to be asked to go to a lawyer's office,
20 Mr. Williams, and have your testimony taken in front of a court
21 reporter. And Mr. Spund is going to ask you questions. It's
22 just like you're in court, so you're under oath and you swear
23 to tell the truth and you'll answer the questions.

24 If he takes the deposition, if he takes testimony of
25 this Ms. Denowski, you will get notice of when that's going to

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1 happen. You're entitled to go to that session. You're
2 entitled to ask questions, too.

3 Do you have the manual for pro se litigants that we
4 offer? Okay. It gives you some pretty clear instruction about
5 discovery, what you're entitled to do by way of discovery.
6 First we have something called mandatory discovery, or Rule 26
7 discovery. And in a case like this, as far as I'm concerned,
8 that really consists of your personnel file and all the
9 documents that relate to your termination, every single one of
10 them. And they need to turn -- Palladia needs to turn all
11 those documents over to you.

12 MR. WILLIAMS: Right. I have not received that.

13 THE COURT: No. We're just starting out, okay? So
14 within 20 days, please, Mr. Spund, I would appreciate it if you
15 would turn those documents over to Mr. Williams.

16 MR. SPUND: I still have to interpose an answer,
17 Judge.

18 THE COURT: I don't care. The answer is the least
19 relevant document in the case.

20 MR. SPUND: That's no problem. Twenty days is fine.

21 MR. WILLIAMS: I would stipulate, your Honor, that
22 they turn over all documents involving the unemployment case as
23 well.

24 THE COURT: There were documents in an unemployment
25 case? Yes, you're right. Those would also -- they're in

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1 connection with your termination, and those documents would
2 also have to be turned over. Okay. If you have any documents
3 that relate to your termination, you have 20 days to make
4 photocopies of them and put them in the mail to Mr. Spund, all
5 right? That will take care of the mandatory stuff.

6 So what's 20 days from today? It's the 4th by the
7 24th. We'll say the 25th. How about the 25th? It's a Friday,
8 okay? So by Friday, the 25th. Then, as you can find out in
9 the pro se manual, Mr. Williams, you are entitled to take
10 discovery from the company and Ms. Williams. If you want to
11 hire a court reporter, you can take their depositions with a
12 court reporter. That's a very expensive thing to do.

13 You are also entitled to an alternative procedure
14 called deposition on written questions, when you would write
15 out the questions that you would want to have answered under
16 oath, and you would send them to the lawyer for Palladia and
17 Ms. Workman and the company, and Ms. Workman would be required
18 to answer those questions in writing under oath. That is
19 sometimes a good alternative for an individual who doesn't have
20 the funds to hire a court reporter.

21 There are also some other discovery devices, notices
22 to admit, requests for additional documents. You should read
23 the manual and familiarize yourself with them and avail
24 yourself of any of those that you think might be useful. I
25 have to be, as you might imagine, completely neutral between

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1 you and the defendants, so that's why we have the manual, is to
2 teach you the kind of things that I can't teach you because
3 that's not my job.

4 I'm going to allow then 90 days following the turnover
5 of the Rule 26 discovery for the rest of the discovery in the
6 case. So we're looking at the 30th of April, the end of April.
7 By the end of April all the discovery in this case should be
8 done.

9 And then I'm going to assume, Mr. Spund, because it
10 seems to be the way of defense lawyers in these cases, even
11 though it would probably be cheaper and quicker for them simply
12 to try the case, I'm going to assume that you're going to make
13 the motion for summary judgment. Am I right?

14 MR. SPUND: You are correct, Judge.

15 THE COURT: I knew it. Okay. When the discovery is
16 all done, Mr. Williams, the defendants are going to make a
17 written motion asking me to dismiss the case. They're going to
18 argue to me that there's no genuine issue of material -- that
19 is to say, relevant or important -- fact, a fact that's
20 important in deciding the case; and that they're entitled to
21 judgment as a matter of law. I'm going to give them until May,
22 the 30th, to make that motion. I'm going to give you until
23 June, the 27th, to respond to that motion.

24 And I need to tell you that in responding to the
25 motion, you can't just make conclusory statements. You have to

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1 point me to evidence. Now, your sworn testimony is evidence.
2 But your sworn testimony "Corine Workman is prejudiced against
3 men," that's a conclusory statement. You would have to have
4 some evidence that she's prejudice against men. You've alluded
5 to some of that in your complaint, that there were other men
6 who were fired. There were other men who were transferred out
7 of the department. They were replaced by women. You need to
8 get on top of that.

9 And your response has to address in evidentiary terms,
10 as opposed to conclusory terms, or "it's my opinion that she's
11 prejudiced against men," that won't do it. That won't defeat
12 the motion. I'm telling you this because I have to tell you
13 this, because you're representing yourself and I want you to
14 understand that you have a burden, okay, to respond to that
15 motion.

16 MR. WILLIAMS: And discovery, I can ask for the names
17 of those men?

18 THE COURT: You can ask them the names of those men.
19 You can track them down. You can ask their names and last
20 known address. You can call them up and talk to them. You can
21 see if they will be witnesses for you or will give you
22 statements under oath. You can do all those things. You can
23 have them subpoenaed as witnesses for the trial. You may find
24 that they agree with you. You may find that they don't agree
25 with you. I don't know. All right?

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1 But you need to respond to the motion with evidence
2 that raises a genuine issue of fact by the 27th of June. Reply
3 papers due by the 11th of July. I will postpone any need to
4 file a pretrial order in this case until that motion is
5 decided.

6 Okay. Now, the last thing I need to tell you is that,
7 like every other civil case, this case is assigned both to a
8 district court judge and to a magistrate judge. Magistrate
9 judges are -- I don't like to think of them as assistive
10 judges. They are real judges, but they're not appointed by the
11 president and confirmed by Congress. They're actually
12 recommended by a panel and appointed by the judges of the
13 Court. And they are allowed by law to undertake various
14 judicial duties in connection with civil cases.

15 One of the things that they're allowed to do is handle
16 nondispositive matters, including discovery. And were there to
17 be any kind of a dispute between the plaintiff and the
18 defendant about discovery -- whether questions were proper,
19 whether answers were sufficient, whether objections needed to
20 be ruled on -- it is my practice to refer those matters to the
21 magistrate judge. And the magistrate judge in this case is
22 Judge Ellis, Judge Ronald Ellis.

23 So if there should develop some kind of a dispute over
24 discovery in this case that needs to be resolved, I need that
25 to be brought to my attention by letter. And I will respond to

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1 the letter by issuing an order referring the matter to Judge
2 Ellis for resolution.

3 The other thing that I need to tell you is that
4 Congress has permitted parties to a lawsuit to consent to have
5 the magistrate judge be their judge for all purposes in a civil
6 case. That can't happen in a criminal case, but it can happen
7 in a civil case. This is a civil case. So if both you and
8 Mr. Spund's client were to agree that you wanted Judge Ellis to
9 be your judge for all purposes, forget about Judge McMahon,
10 that would be fine with me.

11 And the advantage to you both is that it would
12 probably result in a swifter final adjudication of the case
13 because Judge Ellis has no docket to interfere with his work on
14 his civil docket. And I have to tell you, I have what looks
15 like it's going to go forward as a death penalty case that will
16 be consuming a whole lot of my time this spring, and the civil
17 cases are all going to get put on the back burner.

18 So if you would both agree to have Judge Ellis be your
19 judge for all purposes, there is a piece of paper that you need
20 to sign to that effect and I can send the case to Judge Ellis
21 for all purposes. You don't have to agree to that. I strongly
22 recommend it, but you don't have to agree to that, okay? I
23 just throw that out on the table for you to think about, all
24 right?

25 Okay. You have your schedule. We will enter a

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1 written order. Actually, do I have a copy of a written order
2 up here in this file? And I can fill out the date now.

3 Has anyone made a jury demand in this case?

4 MR. SPUND: I haven't put an answer in.

5 MR. WILLIAMS: I thought it was too late for that.

6 THE COURT: Pardon?

7 MR. WILLIAMS: It's too late for that, Judge?

8 THE COURT: Nope, not too late for that. Are you
9 planning to demand a jury?

10 MR. SPUND: Probably not, Judge.

11 THE COURT: Okay.

12 MR. WILLIAMS: I was considering it.

13 THE COURT: Okay. Well, you have until ten days after
14 the answer is interposed.

15 MR. WILLIAMS: Ten days after --

16 THE COURT: Yeah, to make that decision.

17 Discovery pursuant to federal Rule 26 to be exchanged
18 by Jan 25th, 2008. All discovery to be completed by April 30,
19 2008. The plaintiff's deposition needs to be the first
20 deposition taken, and it should be completed by February 29th.
21 Get that done sometime in the next few weeks. That's completed
22 by -- it doesn't have to be that long. Pick a date that's
23 convenient for both of you. If there's -- is anybody
24 anticipating there will be any experts testifying in this case?

25 MR. SPUND: I would doubt it, Judge.

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1 THE COURT: Okay. So we're not going to have dates
2 for expert reports. We're not going to do the pretrial order.
3 The summary judgment motion is due on May 30th, is that what I
4 said? May 30th, 2008. Response due June 27th, 2008, and reply
5 due July 11th, 2008. The pretrial order need not be filed
6 until a motion is decided. And this order indicates that you
7 may at any time consent to have the case tried before the
8 assigned magistrate judge, who is Judge Ellis. So I'm going to
9 give you all a copy of this written order before you leave.
10 That's your scheduling order.

11 All right? Yes, sir.

12 MR. WILLIAMS: I'm not clear on the -- as far as
13 having a jury.

14 THE COURT: You're entitled to a trial by jury if you
15 want it. That doesn't mean that he can't make a motion saying
16 there's nothing for a jury to decide in this case, all right?
17 A motion for summary judgment is really a motion in which the
18 defendant says there's nothing for a jury to decide in this
19 case because there's no evidence of discrimination. It's just
20 an opinion of discrimination, no evidence. And that's why you
21 have to respond to that motion with evidence, okay? So
22 that's --

23 MR. WILLIAMS: And I have how long to --

24 THE COURT: But you have until -- when is your answer
25 due?

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1 MR. SPUND: I guess when it's ten days from today,
2 Judge? How many days from today?

3 THE COURT: Why?

4 MR. SPUND: Because I was waiting for a decision on
5 the motion.

6 THE COURT: Yeah, so ten days -- it's due in ten days.
7 Basically you've got about 20 days to make up your mind. What
8 you got to do is say in writing, I would rather have a jury try
9 this case than have a judge try the case, okay?

10 Okay. Thank you all very much.

11 MR. SPUND: Thank you, your Honor.

12 THE COURT: We'll give a copy of this order in case
13 you decide you want Judge Ellis to be your judge for all
14 purposes.

15 MR. WILLIAMS: Your Honor.

16 THE COURT: Yes, sir.

17 MR. WILLIAMS: What about the fact that I thought we
18 had to have a mediation because --

19 THE COURT: You don't have to have a mediation, and
20 both parties would have to consent to a mediation. If you want
21 mediation, I'll order mediation. I somehow didn't imagine that
22 in this case the defendant wanted mediation.

23 MR. SPUND: No.

24 THE COURT: If the defendant doesn't consent to
25 mediation, then there's no mediation.

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1 MR. WILLIAMS: Okay.

2 THE COURT: That is also a consensual.

3 (Adjourned)

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EXHIBIT “D”

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CHARLES WILLIAMS

Plaintiff

Docket No. 07 cv 7720
(CM) (RLE)

-against-

PALLADIA, INC. and CORINE WORKMAN **ANSWER**

Defendant
-----X

Defendants Palladia, Inc. (" Palladia") and Corrine Workman, sued herein as "Corine" Workman ("Workman"), collectively referred to herein as the "Defendants" by their attorneys, Davidoff, Malito & Hutcher LLP, answering the complaint of Plaintiff, Charles Williams ("Williams" of "plaintiff") ,sets forth the following:

1. The initial paragraph representing the statutes under which this action is brought states a legal conclusion for which no answer is required however, to the extent that it makes certain allegations regarding Defendants, Defendants deny such allegations.

2. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph "1" of the Complaint relating to Williams' address and phone number.

3. Deny the allegations contained in paragraph "2" of the Complaint except admit that Palladia's corporate offices are located at 2006 Madison Avenue, New York, New York 10035 and that Workman's office is located at that address.

4. Deny the allegations contained in paragraph 3 of the Complaint except admit that plaintiff was assigned to work at Palladia's Dreitzer House facility located at 325 East 115th Street, New York, New York 10029.

5. Deny the allegations contained in paragraph "4" of the Complaint.

6. Deny the allegations contained in paragraph "5" of the Complaint except aver that Williams was terminated for cause on October 31, 2006.

7. Deny the allegations contained in paragraph "6" of the Complaint.

8. Deny the allegations contained in paragraph "7" of the Complaint.

9. Deny the allegations contained in paragraph "8" of the Complaint except admit that Williams was terminated for cause on October 31, 2006.

10. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph "9" of the Complaint.

11. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph "10" of the Complaint.

12. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph "11" of the Complaint.

13. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph "12" of the Complaint.

AS TO THE "WHEREFORE" CLAUSE

14. Denies all statements and allegations contained therein, including any claim for relief as set forth in the "WHEREFORE" clause.

AFFIRMATIVE DEFENSES

15. Without assuming the burden of proof as to any of the following defenses where the law does not impose such a burden on Defendants, Defendants asserts the following defenses.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

16. The Complaint fails to state a claim upon which relief can be granted against Palladia under Title VII of the Civil Rights Act of 1964 as amended.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

17. The Complaint fails to state a claim upon which relief can be granted against Defendants under the New York State Human Rights Law.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

18. Plaintiff's claims are barred in whole or in part by the doctrines of laches, estoppel and waiver.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

19. Plaintiff's claims are barred in whole or in part because of Plaintiff's failure to mitigate his damages.

AS AND FOR AN FIFTH AFFIRMATIVE DEFENSE

20. At all times relevant hereto, Defendants have acted in good faith and have not violated any rights which may be secured to Plaintiff under federal, state or local laws, rules, regulations or guidelines.

AS AND FOR AN SIXTH AFFIRMATIVE DEFENSE

21. Plaintiff has failed to plead that any of Defendants' actions were willful.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

22. Defendant did not willfully commit any violation of either Title VII or the New York State Human Rights Law.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

23. Defendants did not engage in any of the alleged unlawful discriminatory conduct referred to in the Complaint.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

24. Any actions taken by Defendants in relation to plaintiff's unemployment were taken by Defendants for legitimate, non-discriminatory reasons irrespective of any illegal discrimination.

AS AND FOR A TENTH AFFIRMATIVE DEFENSE

25. Defendants did not engage in any of the alleged unlawful discriminatory practices referred to in the Complaint and plaintiff cannot recover punitive damages under Title VII because Defendants did not, at any relevant time, intend to violate any law relating to discrimination in employment on the basis of gender nor were they consciously indifferent to whether they violated any such laws or rights of plaintiff under such laws.

AS AND FOR AN ELEVENTH AFFIRMATIVE DEFENSE

26. At all times defendants engaged in good faith efforts to comply with their obligations under Title VII and the New York State Human Rights Law and all other applicable laws relating to discrimination because of gender.

AS AND FOR A TWELFTH AFFIRMATIVE DEFENSE

27. Plaintiff's claims are barred by the applicable statutes of limitations.

WHEREFORE, Defendants respectfully requests that the Court:

- a. Dismiss Plaintiff's Complaint in its entirety, with prejudice.
- b. Deny each and every demand and prayer for relief contained in the Complaint.
- c. Award Defendants reimbursement for the reasonable attorneys' fees and costs as may be determined by the Court; and
- d. Grant Defendants such other and further relief as the Court deems just and proper.

Dated: Garden City, New York
January 8, 2008

DAVIDOFF MALITO & HUTCHER LLP

By: 

Mark E. Spund (MES 4705)
Attorneys for Defendants
200 Garden City Plaza, Suite 315
Garden City, New York 11530
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To: Charles Williams
Plaintiff pro se
5 West 91st Street # 5E
New York, New York 10024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHARLES WILLIAMS.

Plaintiff,

-against-

PALLADIA, INC. and CORINE WORKMAN,

Defendants.

07cv 7720(CM)(RLE)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss.:
COUNTY OF NASSAU)

LAURA J. CAVALLO, being duly sworn, deposes and says:

1. I am not a party to this action, am over 18 years of age, and am employed in Nassau County, New York.

2. On January 9, 2008, I served the within Answer upon:

Charles Williams
5 West 91st Street, # 5E
New York, New York 10024
Certified Mail # 7004 1350 0001 3535 3563

the address designated by said individual for that purpose by depositing true copies of same enclosed in a plain envelope, by both certified mail-return receipt requested and by regular mail, in an official depository under the exclusive care and custody of the United States Postal Services within New York State.

LAURA J. CAVALLO

Sworn to before me this
9th day of January, 2008

Margaret C. Zuvillo
NOTARY PUBLIC

MARGARET C. FIORILLO
Notary Public, State of New York
No. 30-4671525
Qualified in Nassau County
Commission Expires Oct. 31, 2010